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Children and armed conflict

Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to paragraph 16 of Security Council resolution 1460 (2003).

2. The preparation of the report involved broad consultations within the United Nations at Headquarters and with country teams, peacekeeping missions, regional groups and non-governmental organizations.

II. Advances made towards the protection of children affected by armed conflict

3. In the course of the past few years, important advances have been made in the efforts to ensure more effective protection of children exposed to armed conflict.

4. Since 1998, when the issue of war-affected children was formally placed on the agenda of the Security Council, the progressive engagement of the Council has yielded significant gains for children. These include four resolutions devoted to the issue (resolutions 1261 (1999), 1314 (2000), 1379 (2001) and 1460 (2002)) an annual debate and review, an annual report submitted by the Secretary-General, the incorporation of child-specific concerns into the briefs of Security Council fact-finding missions, an important contribution to monitoring and accountability through the listing of parties to conflict that violate the rights of children and the stipulation for the systematic inclusion of sections devoted to children in country-specific reports.

5. Child protection has been integrated into the mandates and reports of peacekeeping missions and the training of personnel. A significant innovation has

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been the creation of the role and deployment of child protection advisers in peacekeeping missions.

6. The scope of international instruments has been strengthened and expanded. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which has been ratified by 63 States, sets an age-limit of 18 for compulsory recruitment and participation in hostilities and a minimum age of 16 for voluntary recruitment. The Rome Statute of the International Criminal Court for the newly established International Criminal Court (ICC), which has been ratified by 92 States, classifies the enlistment and use of children under age 15 in hostilities, intentional attacks on hospitals and schools, rape and other grave acts of sexual violence against children as war crimes. The International Labour Organization Convention No. 182 (1999), which has been ratified by 143 States, declares child soldiering to be one of the worst forms of child labour and prohibits forced or compulsory recruitment of children under the age of 18 in armed conflict. The African Charter on the Rights and Welfare of the Child, which has been ratified by 31 States, is the first regional treaty to establish 18 as the minimum age for all compulsory military recruitment and participation in hostilities.

7. These instruments, together with the relevant provisions of the Geneva Conventions of 12 August 1949 and the Convention on the Rights of the Child, and the four resolutions of the Security Council, constitute a strong and comprehensive body of standards. In addition, a number of concrete commitments have been obtained from parties on the protection of children.

8. The central challenge now is to ensure the application of these standards on the ground.

9. Children's issues have been incorporated into peace negotiations and peace accords, such as the 1998 Good Friday Agreement on Northern Ireland; the 1999 Lomé Peace Accord on Sierra Leone; the 2000 Arusha Accords on Burundi; and the recent Accra Peace Agreement on Liberia. My Special Representative for Children and Armed Conflict is currently working with the United Nations Children's Fund (UNICEF) and non-governmental organizations to ensure the inclusion of similar provisions into the ongoing peace processes in Sri Lanka and the Sudan.

10. Over the past several years, my Special Representative as well as non-governmental organizations have conducted extensive public advocacy and awareness-raising activities. Today, there is broad public and official awareness about the plight of children exposed to armed conflict.

11. Non-governmental organizations and other civil society groups have played an indispensable role in the development of the agenda for war-affected children. They have developed global advocacy and significant operational programmes on the ground. International campaigns by networks of non-governmental organizations on such issues as child soldiers, small arms, landmines, and ICC have played a key role in strengthening international standards.

12. Working with Governments and non-governmental organizations, my Special Representative has developed important dialogue and cooperation with regional organizations, resulting in the integration of child protection into their advocacy, policies and programmes. Examples of the European Union and the Economic Community of West African States (ECOWAS) illustrate this experience.

13. In the context of European Union institutions, this cooperation has led to several important initiatives, including funding of projects for the benefit of war-affected children, guidelines for action on children and armed conflict and specific provisions for child protection and post-conflict rehabilitation in the Cotonou 2000 Partnership Agreement between the African, Caribbean and Pacific Group of States and the States members of the European Union. The European Parliament has been engaged in active child protection advocacy, particularly in support of the campaign for the Optional Protocol to the Convention on the Rights of the Child.

14. Over the past few years, ECOWAS has progressively integrated child protection into its policies and institutions, including the adoption of the Accra Declaration and Plan of Action on War-Affected Children in 2000, the establishment of a Child Protection Unit in the ECOWAS secretariat in 2002 and the endorsement by the ECOWAS summit in January 2003 of an agenda for action for war-affected children in West Africa, proposed by my Special Representative. The organization is now developing a framework for a peer review programme focusing on child protection, in collaboration with my Special Representative and UNICEF.

15. Similarly the protection of war-affected children has now been taken up for action by the Group of Eight, the Human Security Network, the African Union, the League of Arab States, the Organization for Security and Cooperation in Europe (OSCE) and the Organization of American States.

16. Many local initiatives for advocacy, protection and rehabilitation have been developed. My Special Representative has been advocating the establishment of national commissions for war-affected children, especially in post-conflict situations, to ensure that the concerns of children are fully integrated into priority setting, resource allocations, programme planning and policy making. Such a commission has now been instituted in Sierra Leone, and a Commissioner for Children and Young People has been appointed in Northern Ireland to fulfil a similar role. In 2000, legislation was enacted in Rwanda that would allow girls, who headed some 40,000 households following the genocide in that country, to inherit farms and other family properties. The "Sudanese Women for Peace", a non-partisan, grass-roots organization, was created to advocate for peace and children's concerns. In Sri Lanka, "Children as a Zone of Peace", a local network for advocacy and protection, was launched in 1998.

17. In efforts to end impunity for those involved in child-related war crimes, a framework has been developed for the protection and participation of children in judicial tribunals and truth-seeking processes. This has resulted, for example, in guidelines for the Special Court and the Truth and Reconciliation Commission in Sierra Leone, and relevant provisions in the ICC rules of evidence and procedure.

18. Efforts to curb illicit exploitation of natural resources, which rob children of their birthright, have gained momentum. The Security Council has taken concrete measures in connection with Angola, the Democratic Republic of the Congo, Liberia and Sierra Leone. An important step has been taken in the campaign to stem trade in "conflict diamonds", with the establishment of the Kimberley Process certification scheme.

19. Children and young people themselves have become participants in this movement. War-affected youth have participated in the deliberations of the Security Council and other important forums. The "Voice of Children" project, an initiative

of my Special Representative, has been established in Sierra Leone under the auspices of the United Nations Mission in Sierra Leone (UNAMSIL) to provide radio programmes for and by children. Similar programmes have been proposed for other conflict areas. Under the sponsorship of the Women's Commission for Refugee Women and Children, adolescents in war-affected countries have carried out research and advocacy on the impact of conflict on young people in Kosovo, Sierra Leone and Uganda. Local children's groups involved in active advocacy include the Colombian Children's Movement for Peace and the Children's Forum Network in Sierra Leone.

20. Efforts to mainstream the protection and rehabilitation of war-affected children are taking hold in many institutions and mechanisms, within and outside the United Nations. In post-conflict situations, children are now receiving higher priority, focus and resource allocation.

21. The recent ending of conflicts in Angola, Sierra Leone and Sri Lanka represent a great relief for children who have suffered horribly from those protracted wars, even while the tasks of rehabilitation and healing remain daunting.

22. In spite of these developments, the general situation for children remains grave and unacceptable on the ground. Parties to conflict continue to violate children's rights with impunity. In the course of 2003, this trend has been underscored by the particularly tragic experiences of terror, deprivation and utter vulnerability faced by children in eastern Democratic Republic of the Congo, the Indonesian province of Aceh, Iraq, Liberia, the occupied Palestinian Territories and northern Uganda.

III. Follow-up to Security Council resolution 1460 (2003)

23. The present section provides specific information requested by the Security Council in paragraph 16 of its resolution 1460 (2003), namely assessment of particular violations of the rights of children; assessment of progress made by parties in ending child-soldiering; best practices in integrating the specific needs of children into disarmament, demobilization and reintegration programmes, assessment of child protection advisers, assessment of negotiations aimed at ending the recruitment or use of child soldiers and specific proposals on ways to ensure more effective monitoring and reporting.

A. Assessment of particularly egregious violations and abuses against children in situations of armed conflict

24. Children continue to be the main victims of conflicts. Their suffering takes many forms. Children are killed, made orphans, maimed, abducted, deprived of education and health care, and left with deep emotional scars and trauma. Forced to flee from their homes, refugees and internally displaced children are especially vulnerable to violence, recruitment, sexual exploitation, disease, malnutrition and death. Children are being recruited and used as child soldiers on a massive scale. Girls face additional risks, particularly sexual violence. These egregious violations of children's rights take place in a pervasive climate of impunity. The nature and scope of the most egregious violations are described in the present section.

1. Killing and maiming of children

25. Children in war zones have been deliberately killed or maimed by parties to conflict, often in extremely brutal ways. During the genocide in Rwanda in 1994, thousands of children were massacred. In the massacres of Srebrenica in 1995, young Muslim boys were particularly targeted. The Revolutionary United Front (RUF) in Sierra Leone carried out a systematic campaign of terror, which included cutting off limbs of both adults and children. In the Ituri district of the eastern part of the Democratic Republic of the Congo, many children have been brutally killed or maimed by armed groups; at the end of 2002, for example, 24 children were summarily executed by the Mouvement national de libération du Congo (MLC) and the Rassemblement congolais pour la démocratie-National (RCD/N) soldiers in Mambasa, and nine children were killed by the Union des patriotes congolais (UPC) soldiers in Nyankunde. In Colombia, an increasing number of street children, many of whom have been displaced from the countryside by war, have become victims of arbitrary killings, known locally as "social cleansing".

26. During the civil wars in Guatemala and El Salvador, there were widespread massacres and torture of children. In post-conflict situations in both countries, the easy availability of small arms, estimated at more than 3 million, has led to intensified violence and insecurity, with children and youth as the main victims. Some 370 children and young persons under the age of 23 were killed in Guatemala City during the first half of 2003, more than 100 of the victims, mostly street children were under 18, some as young as 12. The Lord's Resistance Army (LRA) in Uganda has used killings and mutilations to terrorize the civilian population. The Special Rapporteur on the situation of human rights in the occupied Palestinian Territories has reported that, since September 2000, over 400 Palestinian and 100 Israeli children have been killed and thousands seriously injured in the ongoing conflict.

2. Sexual and gender-based violence against children

27. Women and girls are especially vulnerable to sexual violence in times of heightened armed conflict. They are raped, abducted for sexual exploitation and forced into marriages and prostitution. Refugee and internally displaced women and children are especially vulnerable to sexual and other exploitation by armed forces and groups, and sometimes even peacekeepers and humanitarian workers.

28. Reports from Iraq and southeast Afghanistan indicate that fear of sexual violence is keeping girls out of schools. During her visit to the Democratic Republic of the Congo in May 2003, the Deputy Emergency Relief Coordinator reported on the situation of over 250 women and girls in South Kivu who required surgical interventions to repair the ravages of rape. Similarly, in Burundi, hundreds of girls have been raped, either as a means of ethnic cleansing or because violators believe that children are less likely to transmit diseases.

29. There is a correlation between the spread of the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) and sexual violence and the exploitation of girls and women in corridors of wars. The Joint United Nations Programme on HIV/AIDS (UNAIDS) estimates that rates of HIV among combatants are three to four times higher than those among local populations. And when rape is used as a weapon of war, the consequences for girls and women are often deadly. Armed conflict also exacerbates other conditions in which HIV/AIDS thrives, such

as extreme poverty, displacement and separation. Programmes for HIV/AIDS awareness, care and support in both peace operations and humanitarian programmes should be continued and strengthened.

30. The Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse has proposed six core principles to be incorporated into codes of conduct for all humanitarian workers. These principles have now been incorporated into codes of conduct in the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and UNAMSIL. My forthcoming bulletin will extend the application of the six principles to all United Nations personnel.

31. The Rome Statute of ICC defines rape and other grave sexual violence as a war crime. Everything must be done to bring to justice those responsible for this particular war crime.

3. Abduction of children

32. The incidence of the abduction of boys and girls has significantly increased in recent years. Parties to conflict have used this practice in systematic campaigns of violence against civilian populations in such countries as Angola, Nepal, Sierra Leone, the Sudan and Uganda. Abduction of children was prevalent in the conflicts in the 1980s in Central America, often leading to permanent "disappearance".

33. Children are often abducted from their homes, schools and refugee camps. They are exploited for forced labour, sexual slavery and forced recruitment and have been trafficked across borders.

34. Abducted children are subjected to brutal treatment and other egregious personal violations. In northern Uganda, LRA has abducted thousands of children and forced them to become child soldiers and to commit atrocities. The case of the girls abducted in 1996 from Aboke secondary school has particularly brought the situation of abductions in northern Uganda to the attention of the international community. In Colombia, the Ejercito de Liberación Nacional (ELN) and the Fuerzas Armadas Revolucionarias de Colombia (FARC) have kidnapped hundreds of children for ransom and as a means of terrorizing civilian populations; 215 children were kidnapped in 2002 and another 112 during the first half of 2003. In early 2003, the Communist Party of Nepal (CPN-Maoist) conducted large-scale abductions, mostly of school children. While many of the children were returned within days, others still remain unaccounted for, and some of the girls released have reported sexual abuse.

35. In Angola, the União Nacional para a Independência Total de Angola (UNITA) abducted many children during the long civil war. In Sierra Leone, in January 1999, over 4,000 children were kidnapped during the incursion of RUF and the Armed Forces Revolutionary Council (AFRC) into Freetown; 60 per cent of those abducted were girls, most of whom were sexually abused. In the Sudan, there has been a long history of abductions, particularly by the *muraheleen* militia, the Sudan People's Liberation Movement/Army (SPLM/A), and the former Sudan People's Democratic Front (SPDF).

4. Impact on children of illicit exploitation of natural resources in conflict zones

36. The illicit exploitation of natural resources, in particular diamonds, gold, columbite-tantalite (coltan) and timber, in zones of conflict, has a direct and significant bearing on children. This practice of plunder is deliberately robbing children of their birthright to education, healthcare and development. They are exploited as cheap labour and forced to work in unhealthy and dangerous conditions. Moreover, this has become a principal means of fuelling and prolonging conflicts in which children suffer the most.

37. My Special Representative has especially highlighted this connection, particularly in Angola, the Democratic Republic of the Congo and Sierra Leone, calling for urgent measures to curb these activities.

38. Actions by the Security Council, which have included the application and monitoring of sanctions in Angola, Sierra Leone and Liberia, and mandated investigations in the Democratic Republic of the Congo and Liberia, have made a notable impact. The application of further targeted measures by the Security Council would reinforce their impact.

39. The independent panels of experts established by the Security Council to investigate violations of these sanctions found that diamonds played a uniquely important role in perpetuating the conflict in Angola, and discovered in Liberia a strong link between the continued trading in conflict diamonds and trafficking in small arms by both the Government and the rebel groups.

40. The legacy of these practices continues even after the end of conflict. During his visit to Sierra Leone in February 2003, my Special Representative witnessed and highlighted the continued exploitation of children, many of them ex-child soldiers, as labourers in the appalling conditions of the diamond-mining pits in the Koidu and Kono districts. He has called for enhanced public advocacy and the development of viable economic and vocational alternatives for these children, whose situation has also been documented in a study by World Vision.

41. The Kimberley Process Certification Scheme for Rough Diamonds, which came into effect in November 2002, represents an important step towards curbing trade in "conflict diamonds". It is important now to agree on and establish an effective monitoring mechanism for the application of this scheme. Full implementation of the Kimberley Process would also entail legislation, periodic audits and a voluntary system of warranties by suppliers of rough diamonds.

5. Impact on children of illicit trafficking of small arms, landmines and unexploded ordnance

42. Most conflicts today are fought with small arms and light weapons. Their easy availability is directly linked to the dramatic rise in violence, the exacerbation of conflicts and the phenomenon of child soldiers. This is evident in the conflicts in Côte d'Ivoire, Liberia and Sierra Leone where illicit trade in small arms and light weapons is financed by the proceeds from the illicit exploitation of natural resources. The trans-regional dimension of illicit trafficking of small arms and light weapons has exacerbated the conflicts in the Great Lakes region. Data has been collected by United Nations agencies that connect trafficking in small arms to trafficking in children and women in southeast Asia, in particular in the border areas of Cambodia, the Lao People's Democratic Republic and Myanmar.

43. The proliferation of small arms and light weapons not only impedes provision of humanitarian and protection assistance but also undermines peace-building and reconstruction efforts that aim to strengthen security and the rule of law in conflict and post-conflict situations, such as in Afghanistan, Iraq and Central America. To minimize the disastrous effects of small arms and light weapons on children requires coordination at all levels, as set out in the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. Examples of regional efforts to address the issue of small arms and light weapons and their impact on children include the Southern African Development Community Protocol on the Control of Firearms, Ammunition and Other Related Materials, the OSCE Handbook of Best Practices on Small Arms and Light Weapons, and the Andean Plan to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

44. According to the United Nations Mine Action Service, approximately half of the 15,000 to 20,000 annual victims of landmines and unexploded ordnances in 90 countries are children. In Colombia, about 40 per cent of mine victims from 1990 to 2003 were children. So far in 2003, in northern Iraq, the casualty rate due to mines or unexploded ordnances has increased dramatically, by 90 per cent. Children in Iraq have also fallen victims to unexploded ordnances and munitions abandoned by Iraqi forces in schools and residential areas. In addition, cluster bombs indiscriminately impact and debilitate civilians, in particular children. Landmines and unexploded ordnances impede post-conflict development and reconstruction, blocking access to land and other resources and posing risks to returnee and internally displaced children. Mine risk education and securing stockpiled munitions remain the most effective short-term solution to keeping children safe.

B. Assessment of progress made by parties in ending recruitment or use of children in armed conflict

45. Progress made by the parties listed in the annex and named in the body of my previous report (S/2002/1299) has been assessed with respect to whether they have engaged in dialogue with my representatives in the field, made commitments to stop recruiting or using children, ended the recruitment or use of child soldiers, developed action plans for the demobilization of child soldiers and have begun to demobilize child soldiers. I have also taken into account efforts made prior to the reporting period. At the end of the current report, I have annexed two lists: the first contains an updated list of parties annexed to my previous report and the second contains a list of parties named in the body of my report last year. Both lists include new parties that have been found to be recruiting or using children in armed conflict.

1. Information on progress made by parties listed in the annex to the previous report, including new situations

46. In Afghanistan, factional fighting groups continue to recruit and use children. The National Security Council issued a decree in early 2003 instructing the military not to recruit persons younger than 22 years of age. Over the past year, efforts by the United Nations country team have focused on supporting a child-specific component as part of the Afghanistan New Beginnings Programme. In preparing the disarmament, demobilization and reintegration programme, the country team has engaged in dialogue with local commanders and military units throughout the country.

47. In Burundi, a national child-specific disarmament, demobilization and reintegration structure, with a decentralized system of representation in the provinces and military units, has been established following the October 2001 agreement between UNICEF and the Government for the demobilization of child soldiers. Participating in this structure are Parti de libération du Peuple Hutu/Forces nationales de libération (PALIPEHUTU/FLN) faction of Alain Mugabarabona and the Conseil national pour la défense de la démocratie/Forces pour la défense de la démocratie (CNDD/FDD) faction of Jean Bosco Ndayikengurukiye. Moreover, the Arusha Peace Accords of 2000 as well as the Ceasefire Agreement of December 2002 include provisions against the use of child soldiers. Despite these steps, all parties to the conflict mentioned in the annex of my previous report continue to use or recruit child soldiers. In addition, armed opposition groups have recruited children from refugee camps in the western part of the United Republic of Tanzania.

48. In the Democratic Republic of the Congo, following the 2001 five-point commitment to end child-soldiering to my Special Representative for Children and Armed Conflict, both the Government and the Rassemblement congolais pour la démocratie-Goma (RCD/G) developed action plans for the demobilization of child soldiers. Since December 2001, over 650 child soldiers have been demobilized through the National Office for Demobilization and Reinsertion (BUNADER) and the RCD/G Inter-Departmental Commission for the Demobilization of Child Soldiers. At the beginning of 2003, the Rassemblement congolais pour la démocratie-Kisangani/Mouvement de libération (RCD-K/ML) allowed access to some camps and released scores of children to a local non-governmental organization, Let's Protect Children, for their reintegration into the community. Many cases of informal ad hoc demobilization of children by individual commanders have taken place as a result of advocacy efforts by MONUC, UNICEF, Save the Children (United Kingdom) and local partners.

49. Despite these developments, all parties mentioned in my previous report continued to recruit or use children. With the intensification of the conflict in the Ituri district of the northeastern part of the Democratic Republic of the Congo (in May 2003), there was a significant increase in the recruitment and use of child soldiers by all parties to the conflict.

50. In Liberia, during the escalation of conflict in June and July 2003, there was a marked increase in the recruitment of children by all parties. Children were recruited from displaced camps by the Armed Forces of Liberia (AFL). The Movement for Democracy in Liberia (MODEL) recruited children from refugee camps in Côte d'Ivoire, and the Liberians United for Reconciliation and Democracy (LURD) recruited children from displaced camps in Liberia and from refugee camps in Guinea.

51. The Accra Peace Agreement of 18 August 2003 provides for the protection and rehabilitation of war-affected children and calls upon my Special Representative and UNICEF to assist in mobilizing resources for the disarmament, demobilization and reintegration of child soldiers.

52. In Somalia, all parties to the conflict continued to recruit children into their forces. According to a recent study, a large number of children have either carried a gun or been involved in militia activities. A local non-governmental organization — the Elman Peace Center — initiated a pilot project which rehabilitated and

reintegrated some 120 former child soldiers in Mogadishu; this project will be extended to Mogadishu, Kismayo and Merca.

53. Child-soldiering in Côte d'Ivoire represents a new development since my previous report. All parties to the conflict recruited or used children in armed conflict. The Office of the United Nations High Commissioner for Refugees (UNHCR) reported on the recruitment of refugee children, in particular from the Nicla camp in western Côte d'Ivoire, and noted that these recruits became part of the *force supplétive* called LIMA forces, operating alongside the Forces armées nationales de Côte d'Ivoire (FANCI). The Mouvement pour la paix et la justice (MPJ), the Mouvement populaire ivoirien pour le Grand Ouest (MPIGO) and the Mouvement patriotique de Côte d'Ivoire (MPCI) all recruited or used child soldiers. In Bouaké, the identification of child soldiers is in progress, while in Man and Korhogo, UNICEF has set up committees for the disarmament, demobilization and reintegration of child soldiers.

2. Information on progress made by parties mentioned in the body of the previous report

54. In Colombia, in December 2002, the paramilitary Autodefensas Unidas de Colombia (AUC) declared a unilateral ceasefire and stated that it would release all children under the age of 18 from its ranks. As of June 2003, 81 children, including 6 girls, were demobilized from AUC, through the Catholic Church as an intermediary. Since 1999, over 1,000 children have been demobilized from armed groups under a programme of the Colombian Institute of Family Welfare (ICBF).

55. Despite these developments, approximately 7,000 children remain within the ranks of armed groups and an additional 7,000 children are involved in urban militias, many of which are associated with these armed groups. The Fuerzas Armadas Revolucionarias de Colombia (FARC), the Ejercito de Liberación Nacional (ELN) and AUC continued to recruit or use children as soldiers. Fear of recruitment has led many families to flee their homes in rural areas.

56. In Myanmar, children continue to be forcibly recruited by government armed forces and armed groups. UNHCR has documented cases of child soldiers fleeing Myanmar into Thailand. My Special Representative for Children and Armed Conflict had planned to visit Myanmar early in 2002; however, this had to be postponed owing to developments in the country. The situation remains unchanged since my previous report, in which I cited the findings of Human Rights Watch (S/2002/1299, para. 42).

57. In Nepal, CPN-Maoist continues to recruit or use children. Following the ceasefire agreement signed in January 2003, many children were released without the benefit of a disarmament, demobilization and reintegration programme.

58. In Northern Ireland, since the visits of my Special Representative in 2000 and 2001, attempts have been made to obtain commitments from the armed groups to refrain from recruiting or using children in the conflict. These efforts were hampered by the suspension of the Northern Ireland Assembly in October 2002. Continuing competitive recruitment of young people by all paramilitary groups has been reported in the context of various feuds and the emergence of dissident groups.

59. In Sri Lanka, the commitments made in 1998 by the Liberation Tigers of Tamil Eelam (LTTE) to my Special Representative, to stop recruiting children under the

age of 17 and using children under the age of 18 in hostilities, have been reiterated in the ongoing peace negotiations by the chief negotiator of LTTE. With the support of the Government of Sri Lanka and UNICEF, LTTE has now agreed to develop an action plan for children affected by war, which includes specific reference to this commitment. Although LTTE has advised all its officials to end the recruitment of children, and there has been an overall decrease in recruitment, UNICEF has received reports of new recruitments.

60. In the Philippines, reports indicate the continued recruitment and training of children by the Moro National Liberation Front (MNLF), the Moro Islamic Liberation Front (MILF) and the New People's Army (NPA) in contradiction of the NPA stated policy not to recruit those under 18. Similarly, reports indicate that the Abu Sayyaf group continues to recruit and use children.

61. After his visit to the Republic of Chechnya of the Russian Federation in 2002, my Special Representative reported that insurgency groups continued to enlist children and use them to plant landmines and explosives. This situation remains unchanged.

62. In the Sudan, although many child soldiers have been demobilized in the south since 2001, thousands of children remain within the ranks of the Sudan People's Liberation Movement/Army (SPLM/A), many of whom have been re-recruited. Several thousand children are also serving with the South Sudan Unity Movement (SSUM). SPLM/A has committed itself to releasing a further 2,000 children by the end of 2003, and the Government of the Sudan has created a task force on the demobilization of children.

63. In Uganda, over the past year, LRA abducted over 8,000 children. This represents the highest level of abduction in 17 years of conflict. The Uganda People's Defence Forces (UPDF) and its allied Local Defence Units (LDUs) recruit and use children. UPDF has also re-recruited children who have escaped or been rescued from LRA. In a UNICEF/Office for the Coordination of Humanitarian Affairs screening, 120 recruits in the UPDF Lugore military training camp were reported to be children under the age of 18, some of whom had been demobilized.

C. Assessment of best practices and lessons learned

1. Disarmament, demobilization and reintegration

64. Children are uniquely vulnerable to military recruitment and manipulation into violence because they are innocent and impressionable. They are forced or enticed to join armed groups. Regardless of how they are recruited, child soldiers are victims, whose participation in conflict bears serious implications for their physical and emotional well-being. They are commonly subject to abuse and most of them witness death, killing, and sexual violence. Many participate in killings and most suffer serious long-term psychological consequences.

65. Although disarmament, demobilization and reintegration programmes are now an integral part of peacekeeping operations, the specific needs of child soldiers have not yet been sufficiently addressed within the overall planning and implementation of these programmes. While there is no single model for the disarmament, demobilization and reintegration of children, nonetheless, important lessons are

emerging from the experiences to date. The following overarching considerations should inform future disarmament, demobilization and reintegration for children:

(a) The demobilization of child soldiers should be sought at all times during conflict and special measures should be taken to prevent re-recruitment or reprisal;

(b) Children who escape, are released or captured from any armed forces or groups should not be considered or treated as enemy combatants;

(c) The protection and rehabilitation of children, including their disarmament, demobilization and reintegration, should be integrated into all peace negotiations and resulting peace agreements;

(d) In disarmament, demobilization and reintegration processes, separate and child-specific programmes should be organized for demobilized children; children should not be required to hand in weapons to be eligible for the disarmament, demobilization and reintegration programme and benefits;

(e) All children associated with armed forces and groups should be included in disarmament, demobilization and reintegration programmes. From the start of the process, there should be a clear definition of who is a child, and of the criteria for eligibility of children for the disarmament, demobilization and reintegration programme. Eligibility criteria should be broad enough to ensure that all children associated with fighting forces, including combatants, cooks, porters, messengers, "concubines" and camp followers, have access to the programme;

(f) In the interest of rebuilding a healthy society, reintegration programmes need to take an integrated community approach; interventions that single out former child soldiers may result in their being further stigmatized. In some situations, such as in Mozambique, traditional "cleansing" ceremonies to facilitate reintegration have proved very effective;

(g) Monitoring and follow-up of demobilized children are important to ensure successful reintegration and delivery of benefits;

(h) Local civil society groups, such as elders and religious leaders, play a vital role in negotiations for the release of child soldiers from fighting groups as well in disarmament, demobilization and reintegration processes; they should be provided with more support and resources;

(i) Child protection and rehabilitation is a process that goes beyond disarmament, demobilization and reintegration. Donor support and commitment to longer-term community reintegration is required to prevent recruitment and re-recruitment. Progress for demobilized children must represent a viable alternative to military life;

(j) Special attention must be given to the specific needs of girls and their stigmatization, including those heading households, sexually exploited, combatants and those with children. Particular attention must also be given to the special needs of children with disabilities.

2. Child protection advisers

66. My Special Representative has continued to advocate for the deployment of child protection advisers and strengthening of their role in peacekeeping missions in order to effectively integrate the rights, protection and well-being of children in

peacekeeping and peace-building processes. The Security Council, in its resolutions 1314 (2000), 1379 (2001) and 1460 (2003), has expressed support for the role and deployment of child protection advisers. The role of child protection advisers is to ensure that the situation of all children affected by conflict is adequately addressed in peace missions, by promoting advocacy, mainstreaming, collaboration, training, monitoring and reporting. In doing so, child protection advisers work closely with the United Nations country team, in particular UNICEF. Currently, 2 child protection advisers are deployed with UNAMSIL in Sierra Leone, 10 with MONUC in the Democratic Republic of the Congo, and 1 with the United Nations Mission in Côte d'Ivoire (MINUCI). One child protection adviser was deployed with the United Nations Mission in Angola (UNMA) until the close of that mission in early 2003.

67. Child protection advisers have been effective in mainstreaming child rights and child protection into the work of peacekeeping missions. In MONUC, child protection advisers have played a critical role in the adoption of a code of conduct for peacekeepers, provided guidance on quick impact projects and participated in the operations for the disarmament, demobilization and reintegration and repatriation and resettlement of ex-Rwandan combatants. In UNAMSIL, child protection advisers contribute directly to the mission's priority-setting and policy formulation; they advise the Special Representative of the Secretary-General on child-protection concerns to be raised in negotiations with the Government, fighting forces, the National Commission for War-Affected Children and other key actors.

68. The training of both military and civilian peacekeeping personnel in child protection and child rights has been a priority task of child protection advisers. In UNAMSIL, the child protection advisers have ensured the incorporation of child protection into induction training for all incoming force contingents, and instituted a comprehensive training of trainers programme and conducted joint training activities with human rights officers. In MONUC, child protection advisers participated in the training of military observers, United Nations civilian police and national police.

69. Child protection advisers have also been very effective in promoting networking and collaboration. Child protection advisers have worked closely with personnel from the military, human rights, humanitarian and gender sections of peacekeeping operations. In MONUC, child protection advisers participated in the investigations led by the human rights section. In UNMA, the child protection adviser ensured that children's issues were included in both the protection plan of the human rights division and the inter-agency human rights committee. In UNAMSIL, the child protection advisers have worked closely with colleagues from civil affairs, particularly in the context of the UNAMSIL Trust Fund and the UNAMSIL Personnel Conduct Committee.

70. Child protection advisers have also developed close working relationships with United Nations agencies, and child protection local and international non-governmental organizations. In MONUC, the child protection advisers have collaborated closely with local non-governmental organizations and church networks to obtain information on recruitment of child soldiers. In UNAMSIL, child protection advisers and UNICEF have worked out an effective division of labour based on comparative advantages, capacities and expertise on such crucial issues as juvenile justice reform and children's involvement in the transitional justice mechanisms. In UNMA, the child protection adviser was able to include the issue of abducted girls, the situation of girls in transit camps and the need for psychosocial

recovery in both the United Nations and non-governmental organization protection strategy for the country.

71. Child protection advisers have contributed to the prioritization of children's concerns, through advocacy, and enhanced monitoring and reporting by serving as interlocutors and facilitating the flow of information between the various components of the missions, the United Nations country teams and child protection non-governmental organizations. The work of child protection advisers has led to the greater and more systematic inclusion of child protection concerns in mission reports.

72. Child protection advisers have played an important role in ensuring the integration of child protection concerns into the policies and activities of peacekeeping missions. To consolidate these tangible gains and incorporate further child protection in all aspects of peace operations, serious consideration should be given to the deployment of child protection advisers in all United Nations peace operations. Where possible, child protection advisers should also be involved in aspects of mission planning, pre-deployment assessments and pre-deployment training.

3. Engaging in negotiations with parties to conflict

73. Over the years, United Nations agencies, particularly UNICEF, UNHCR and the Office for the Coordination of Humanitarian Affairs, usually through their field staff, have undertaken ad hoc negotiations with parties in conflict, sometimes directly with local commanders, for specific humanitarian purposes. UNICEF has developed the concept of "days of tranquility" into operational arrangements for humanitarian ceasefires that allowed for activities such as immunization and feeding of children in zones of conflict. Similarly, UNHCR and the Office for the Coordination of Humanitarian Affairs have conducted negotiations to secure access and protection for vulnerable and displaced populations.

74. Since the establishment of his mandate, my Special Representative has developed a systematic practice of eliciting and obtaining concrete commitments from parties in conflict, Governments and insurgency groups. He has obtained some 60 commitments from 15 parties to conflict, covering concerns such as child soldiering, landmines, humanitarian ceasefires and access and abductions.

75. These commitments have become important benchmarks for advocacy, monitoring and follow-up by United Nations country teams and non-governmental organizations. In several situations, such as Colombia, the Democratic Republic of the Congo, Liberia, Sierra Leone and Sri Lanka, these commitments have constituted the framework for negotiating operational plans of action by United Nations country teams, particularly UNICEF, and peacekeeping missions. Despite the repeated calls of the Security Council and local pressure, many of the commitments remain unobserved.

76. There is extensive experience of negotiations and commitments specifically concerning ending recruitment and use of child soldiers. In Sri Lanka in June 1998, LTTE agreed not to use children under 18 in combat and not to recruit those under 17. In Colombia in 1999, during the visit of my Special Representative, the President announced an immediate end to all recruitment and discharge of soldiers under 18; by the end of that year, this was, in fact, realized. In Sierra Leone in 1999,

my Special Representative secured commitments from RUF to permit humanitarian access to and release of abducted children and child soldiers, while civil defence forces committed to non-recruitment and demobilization of child soldiers; these commitments were subsequently successfully monitored by UNAMSIL and UNICEF. In the Democratic Republic of the Congo in 2001, my Special Representative and the Executive Director of UNICEF obtained commitment from all parties for ending child soldiering; MONUC and UNICEF have continued to follow-up on this commitment.

77. Several observations can be drawn from past dialogues with and commitments obtained from parties to conflict, concerning ending child soldiering:

(a) Commitments to end the recruitment or use of child soldiers should be part of child protection concerns included in peace negotiations and peace accords;

(b) Dialogue about child soldiers should take place, whenever possible, at all stages of conflict, with all parties concerned;

(c) More effective monitoring and reporting is needed to provide reliable information for action;

(d) There is need for more systematic monitoring and follow-up to Security Council resolutions and commitments made; this is best done by United Nations country teams and peace missions, who should develop effective frameworks for this purpose;

(e) When parties continue to violate the rights of children, in breach of their obligations and commitments, it is critical to apply graduated and targeted pressure. Such action is best taken by institutions and actors with necessary influence, such as the Security Council, regional organizations and concerned Governments;

(f) Establishing dialogue with parties to armed conflict is a long-term process, which requires gaining their confidence;

(g) The role of civil society actors, such as religious leaders, elders and teachers, is critical in sustaining community pressure on parties to comply with commitments and prevent recruitment;

(h) Commitments by parties serve as useful benchmarks and reference points for advocacy and monitoring;

(i) Subregional approaches and initiatives should be developed to combat child-soldiering;

(j) Separation of civilians and armed elements and the civilian character of camps for displaced persons should be maintained as important protection measures.

D. Proposals for systematic monitoring, reporting and action

78. In my previous report to the Security Council, I stressed the importance of embarking on the "era of application," encompassing the key components of advocacy, dissemination, and monitoring (S/2002/1299, paras. 3-6). In resolution 1460 (2003), the Council endorsed the call for the "era of application" and requested specific proposals on monitoring and reporting.

79. My Special Representative has devoted particular attention to these issues, and put forward the following proposals to ensure more effective monitoring and reporting within the United Nations system.

1. Standards constituting the basis for monitoring and reporting

80. A credible monitoring and reporting system must be based on specific and clear standards. In relation to the protection, rights and well-being of war-affected children, the standards to be applied have been set out in detail in section II of this report. These standards are specific and provide well-defined yardsticks for monitoring and reporting on the conduct of parties to conflict.

2. The most egregious violations to be monitored

81. A number of especially egregious violations against children should receive priority attention in monitoring operations. In particular, these should include: recruiting and use of child soldiers; killing and maiming of children; rape and other grave sexual violence against children; illicit exploitation of natural resources; abduction of children; and denial of humanitarian access to children.

3. United Nations entities that should undertake monitoring, reporting and action

82. The proposals by my Special Representative are designed to facilitate the development of a monitoring network composed of various bodies and actors, each of whom brings the value-added represented by their respected areas of jurisdiction, competence and expertise, and to strengthen ongoing monitoring activities. The respective roles of the key United Nations actors are discussed below.

Security Council

83. The annual review and debate by the Security Council on this issue should be mainly devoted to a comprehensive review of the state of compliance on the ground. Its review should encompass all situations of conflict and the most egregious violations against children, as indicated above. In this context, the Secretary-General's annual report to the Council should serve as an important channel for conveying information gathered through the monitoring framework.

84. A similar review of compliance should take place whenever specific country situations are under consideration. In this context, the Security Council's stipulation for child protection sections in country reports should be fully implemented. In addition, the Council needs to receive, on a regular basis, country-specific information emanating from the monitoring framework.

85. Above all, information received by the Council should serve as trigger for action. Such action might range from calls for compliance, to condemnation of violations, to the application of targeted measures. In order to end impunity, it is critical that persistent violations lead to concrete measures by the Council.

86. Security Council fact-finding missions should include a checklist of specific compliance concerns in their briefs.

United Nations field presence

87. United Nations peace missions and United Nations country teams are present and active in virtually all conflict-affected countries and situations. Their presence, expertise and ongoing activities provide unique opportunities for advocacy, monitoring and reporting.

88. Advocacy, monitoring and reporting on child protection should constitute core functions not only for child protection advisers, but also for human rights officers and military observers in peace missions. Within the United Nations country teams, these functions depend particularly on UNICEF, UNHCR, the Office of the United Nations High Commissioner for Human Rights and the Office for the Coordination of Humanitarian Affairs, with UNICEF, as the lead agency for children assuming a special role and responsibility. The capacities of the field offices need to be strengthened for those functions.

89. In carrying out their respective roles, a specific framework of collaboration, based on complementarity, should be developed between peace mission staff and the United Nations country team, particularly UNICEF, in countries with peace missions.

90. To facilitate these functions, child protection should be included in the mandates of all peace missions.

91. The United Nations field staff should work to strengthen local networks and capacities for child protection.

92. Heads of field missions should take concrete steps to ensure that country reports contain specific sections on child protection, in accordance with the stipulation of Security Council resolution 1460 (2003).

93. Specific initiatives and steps need to be taken by United Nations field staff to ensure effective follow-up to specific Security Council resolutions and concrete commitments made by parties.

94. Field manuals should have sections devoted to child protection and monitoring.

United Nations human rights regime

95. The United Nations human rights regime provides an important monitoring and reporting framework that should be used with a more systematic and stronger focus on issues of child protection.

96. Whenever special rapporteurs prepare reports on particular war-affected countries, they should include sections on egregious child rights violations. It is also important that they apply the standards and norms as a basis for proactive advocacy for child rights protection.

97. The Committee on the Rights of the Child should use the occasions of country reports and reviews to promote monitoring and accountability.

98. The Commission on Human Rights should use the various fact-finding mechanisms as well as its annual deliberations and resolutions, to promote advocacy and demand accountability.

International Criminal Court

99. The establishment of ICC is important both for deterrence and the prospect of actual prosecution. The deterrence role of ICC needs to be actively promoted through proactive advocacy and public information.

100. Concrete steps should be taken to ensure the earliest possible prosecution of persons responsible for war crimes against children.

Office of the Special Representative of the Secretary-General for Children and Armed Conflict

101. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict has a key role in facilitating and coordinating the establishment of a monitoring and reporting mechanism:

(a) Conducting consultations with all stakeholders with a view to establishing an appropriate mechanism;

(b) Ensuring significant inclusion of monitoring information in the annual reports on children and armed conflict, addressed to the Security Council, the General Assembly and the Commission on Human Rights;

(c) Monitoring and follow-up on specific Security Council resolutions and concrete commitments, in particular in the context of field visits;

(d) Outreach for broad dissemination of the standards;

(e) Promoting mainstreaming activities on the protection and rehabilitation of war-affected children, within key institutions and mechanisms, to ensure long-term sustainability.

102. In conformity with the specific request of the Security Council, the roles outlined above have been confined to United Nations-based actors. An effective and concerted monitoring system will necessarily engage important participants outside the United Nations system; in particular, the roles and contributions of national governments, regional organizations, and non-governmental organizations and various civil society actors, will be crucial to the success of this enterprise.

103. An effective monitoring mechanism, which must lead to action, is at the core of the "era of application" campaign. The proposals above have been put forward as a basis for broad consultations among stakeholders. In particular, it is crucial to develop a coordinated framework to ensure the effective flow, integration and reporting on information gathered.

104. The development of these proposals will constitute a particular priority and focus for my Special Representative, devoting his advocacy, convening, and reporting functions to facilitating the translation of these ideas into a systematic, integrated monitoring and reporting mechanism.

E. Recommendations

105. In order to deepen and render sustainable progress achieved to date, and to strengthen the foundation for the "era of application", it is critical to put in place several measures, including the following:

(a) Children's issues should be systematically incorporated into all peace negotiations and peace accords and should constitute a central component of post-conflict programmes;

(b) Child protection should systematically be included in the mandates of all United Nations peace operations;

(c) It is critical to develop a systematic and concerted monitoring and reporting mechanism, to provide objective, regular and accurate reports on violations committed against children by parties to conflict;

(d) In order to incorporate and mainstream child-protection into all aspects of peace operations, serious consideration should be given to the deployment of child protection advisers in every peace operation;

(e) Regional organizations should be encouraged to strengthen their activities for war-affected children, particularly advocacy, cross-border initiatives, monitoring and peer-review;

(f) Targeted measures should be taken against parties responsible for and other actors complicit in illicit exploitation of natural resources. In this context, it is important to establish an effective monitoring mechanism for the application of the certification scheme under the "Kimberley Process";

(g) The Security Council should take concrete steps where insufficient or no progress has been made by parties in accordance with its resolutions 1379 (2001) and 1460 (2003). Such measures could include the imposition of travel restrictions on leaders and their exclusion from any governance structures and amnesty provisions, a ban on the export or supply of small arms, a ban on military assistance, and restriction on the flow of financial resources to the parties concerned;

(h) The listing of parties that recruit or use children in armed conflict should be updated annually and include all situations where such practice persists;

(i) Specific steps should now be taken to ensure that persons responsible for crimes against children will be among the first to be prosecuted in ICC;

(j) Greater and more concerted efforts should be deployed to end ongoing conflicts, which are destroying the lives of millions of children, and to addressing the key factors that facilitate the occurrence and recurrence of conflicts.

Annex I

Updated list of parties to armed conflict that recruit or use children in situations of armed conflict on the agenda of the Security Council

The situation in Afghanistan

Factional fighting groups

The situation in Burundi

1. Forces armées burundaises (FAB)
2. Conseil national pour la défense de la démocratie/Forces pour la défense de la démocratie (CNDD/FDD)
   (a) Wing of Pierre Nkurunziza[a]
   (b) Wing of Jean Bosco Ndayikengurukiye[a]
3. Parti de libération du peuple Hutu/Forces nationales de libération (PALIPEHUTU/FNL)
   (a) Wing of Agaton Rwasa[a]
   (b) Wing of Alain Mugabarabona[a]

The situation in Côte d'Ivoire

1. Forces armées nationales de Côte d'Ivoire (FANCI)[a]
2. Mouvement pour la paix et la justice (MPJ)[a]
3. Mouvement populaire ivoirien pour le Grand Ouest (MPIGO)[a]
4. Mouvement patriotique de Côte d'Ivoire (MPCI)[a]

The situation in the Democratic Republic of the Congo

1. Forces armées congolaises (FAC)
2. Rassemblement congolais pour la démocratie-Goma (RCD/G)
   Local defence forces associated with RCD/G[a]
3. Mouvement national de libération du Congo (MLC)
4. Rassemblement congolais pour la démocratie-Kisangani/Mouvement de libération (RCD-K/ML)
5. Rassemblement congolais pour la démocratie-National (RCD-N)
6. Hema militias
   (a) Union des patriotes congolais (UPC)
   (b) Parti pour l'unité et la sauvegarde du Congo (PUSIC)[a]

[a] New parties.

7. Lendu/Ngiti militias
   (a) Front nationaliste et intégrationaliste (FNI) (Lendu)[a]
   (b) Front populaire pour la réconciliation de l'Ituri (FPRI) (Ngiti)[a]
8. Forces armées populaires congolaises (FAPC)[a]
9. Mai-Mai
10. Mudundu-40[a]
11. Masunzu's Forces
12. Ex-Forces armées rwandaises (ex-FAR) and Interahamwe

The situation in Liberia

1. Armed Forces of Liberia (AFL)
2. Liberians United for Reconciliation and Democracy (LURD)
3. Movement for Democracy in Liberia (MODEL)[a]

The situation in Somalia

1. Transitional National Government
2. Juba Valley Alliance
3. Somali Reconciliation and Restoration Council
4. Rahanwein Resistance Army (RRA)

Annex II

Other parties to armed conflict that recruit or use children in armed conflict

Republic of Chechnya of the Russian Federation

1. Chechen insurgency groups

Colombia

1. Autodefensas Unidas de Colombia (AUC)
   (a) Autodefensas Unidas del Sur del Casanare (AUSC)
   (b) Autodefensas Campesinas de Córdoba y Uraba (ACCU)
   (c) Autodefensas de Magdalena Medio (ACMM)[a]
   (d) Autodefensas del Meta[a]
2. Fuerzas Armadas Revolucionarias de Colombia (FARC)
3. Ejercito de Liberación Nacional (ELN)

Myanmar

1. Tatmadaw Kyi (government army)[a]
2. Karen National Union (KNU)[a]
3. Karenni National Liberation Army (KNLA)

Nepal

1. Communist Party of Nepal (CPN-Maoist)

Northern Ireland

1. Paramilitary groups

Philippines

1. New People's Army (NPA)
2. Moro Islamic Liberation Front (MILF)
3. Moro National Liberation Front (MNLF)
4. Abu Sayyaf

Sri Lanka

Liberation Tigers of Tamil Eelam (LTTE)

[a] New parties.

Sudan

1. Government-allied militia, the South Sudan Unity Movement (SSUM)[a]
2. Sudan People's Liberation Movement/Army (SPLM/A)

Uganda

1. Uganda People's Defence Forces (UPDF)[a]

   Local Defence Units (LDUs) allied to UPDF[a]
2. Lord's Resistance Army (LRA)